

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRYAN ALLEN CARY,

Plaintiff,

v.

Civil No. 24-cv-10488

Hon. Matthew F. Leitman

ARF RTP STAFF,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 36) AND (2) DENYING
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT (ECF No. 32)**

Plaintiff Bryan Allen Cary is a state inmate in the custody of the Michigan Department of Corrections (the “MDOC”). In this action, Cary brings a civil-rights claim against two employees of the MDOC. (*See* Compl., ECF No. 1; Am. Compl., ECF No. 7.) On January 24, 2025, Cary filed a motion for summary judgment. (*See* Mot., ECF No. 32.) The motion was referred to the assigned Magistrate Judge. (*See* Order, ECF No. 12.)

On February 19, 2025, the Magistrate Judge issued a report and recommendation in which he recommended that the Court deny the motion without prejudice (the “R&R”). (*See* R&R, ECF No. 36.) The Magistrate Judge then informed the parties that if they wished to file an objection to his recommendation, they needed to do so within fourteen days. (*See id.*, PageID.291-292.)

Cary has not filed any objections to the R&R. Nor has Cary contacted the Court seeking additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, (6th Cir. 1987) (where party fails to file “timely objections” to report and recommendation, court may accept that recommendation “without expressing any view on the merits of the magistrate’s conclusions”). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Cary has not filed any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition of Cary’s summary judgment motion is **ADOPTED**.

IT IS FURTHER ORDERED that Cary’s motion for summary judgment (ECF No. 32) is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 28, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 28, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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